

**REMARKS**

Claims 1-21 are all the claims pending in the application. Claims 1, 4, 7, 10, 12, 14, and 16-21 have been amended for clarity.

**I. Formalities**

Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority and confirming receipt of the certified copy of the priority document.

**II. Discussion of Claim Rejection under 35 U.S.C. § 102(e) and Applicant's Statement of Substance of the Interview on August 29, 2008**

Claims 1, 7, 10, 14, 16, 18-19 and 21 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Werner, (US Pub. 2002/0069107, hereinafter Werner). Applicant respectfully traverses the rejection.

Applicant thanks Supervisory Patent Examiner Scott Beliveau and Examiner Alan Luong for their time in conducting the courteous telephonic interview on August 29, 2008 regarding the rejections to claims 1, 7, 10, 14, 16, 18-19 and 21 under 35 U.S.C. § 102(e) as allegedly being anticipated by Werner, (US Pub. 2002/0069107, hereinafter Werner).

To summarize this conversation, Applicant's representative presented Applicant's position that Werner fails to teach or suggest the requirements of claims 1, 7, 10, 14, 16, 18-19 and 21.

With regard to claims 1, 10, 16, and 19, Applicant's representative presented Applicant's position that Werner fails to teach or suggest at least the requirements of claim 19 of:

a receiving unit that receives, from a content provider, facility prerequisite data that specifies at least one prerequisite to be met by a facility where

the content is to be used and that receives facility data from a plurality of content users of facilities;

. . . .

a destination selecting unit that selects a facility based at least on a determination that information included in the stored facility data regarding the facility meets the at least one prerequisite specified by the stored facility prerequisite data, and that selects, based on information extracted from the stored facility data of the selected facility, a content user terminal placed at the selected facility as the destination of the content

In particular, Applicant's representative presented Applicant's position that the server 60 in Werner does not make a determination of whether the facility data of paragraph [0047], i.e. the information about whether equipment in a particular theater is operable, meets any facility prerequisite data received from a content provider. In particular, the Examiner had cited the restrictions, such as a contractual requirement that a theater have THX certified systems for that theater (i.e. screen) to be used for a particular movie, as facility prerequisite data. However, there is no teaching or suggestion of the equipment in the theater (i.e. the projector or the air conditioning system) sending information that must be determined to meet any restriction based on the contractual requirements cited from paragraph [0048]. Thus, Werner fails to teach or suggest at least this requirement of the claims.

Further, with regard to claims 7, 14, 18 and 21, Applicant's representative presented Applicant's position that, for similar reasons to those presented above for claim 19, Werner fails to teach or suggest at least the requirements of claim 21 of:

a receiving unit that receives content data from a plurality of content providers and that receives

content prerequisite data from a content user of a facility that specifies at least one prerequisite to be met by a content that is to be used in the facility;

. . .  
a content selecting unit that selects a content, based at least on a determination that information included in said stored content data regarding the content meets the at least one prerequisite specified by the content prerequisite data, as the content to provide to a content user terminal of the facility of the content user

Examiner Beliveau indicated that he strongly believed the Applicant's position was correct, both regarding the above specifically recited limitations above and the similar limitations of claims 1, 7, 10, 14, 16, and 18, but wished to be able to consider this at length upon the filing of this formal response.

Accordingly, Applicant once again respectfully submits that claims 1, 7, 10, 14, 16, 18-19 and 21 are not anticipated under 35 U.S.C. § 102(e) by Werner, because the reference does not disclose all of the features and limitations of the claim and Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, 7, 10, 14, 16, 18-19 and 21.

### **III. Rejections Under 35 U.S.C. § 103(a)**

Claims 2-6, 8-9, 11-13, 15, 17 and 20 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Werner in view of Ulenas, (US Pub. 2007/0016488, hereinafter Ulenas). Applicant respectfully traverses the rejection.

Above, Applicant pointed out that Werner is deficient vis-à-vis independent claims 1, 7, 10, 14, 16, 18-19 and 21. Applicant respectfully submits that Ulenas fails to compensate for the deficiencies of Werner. Even taken for what they would have meant as a whole to an artisan of

ordinary skill, the combined teachings of these two references would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claims 1, 7, 10 and 14, much less dependent claims 2-3, 8-9, 11 and 15.

Therefore, claims 2-3, 8-9, 11 and 15 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 2-3, 8-9, 11 and 15

Applicant further respectfully submits independent claims 4, 12, 17 and 20 are patentable over the cited combination at least for similar reasons as independent claims 1, 7, 10, 14, 16, 18-19 and 21. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of claims 4, 12, 17 and 20 and claims 5-6 and 13 at least by virtue of their dependency from claims 4 and 12.

#### **IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No.: 10/670,511

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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**23373**

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